

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

WILLIAM BRANCH : CIVIL ACTION

V. : NO. CV-00-1728

NEIL HEFFERMAN, P.A., et al. : (Judge Rambo)

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ANSWER OF NEIL HEFFERMAN, P.A. TO THE MOTION OF WILLIAM  
BRANCH TO RECONSIDER THIS COURT'S GRANTING OF NEIL  
HEFFERMAN, P.A.'S MOTION TO DISMISS THE COMPLAINT OF  
WILLIAM BRANCH

1. Neil Hefferman, P.A. ("Hefferman") did not engage any retaliation against William Branch ("Branch"). Branch concedes this. Branch asserts that he needs Hefferman to remain as a defendant in this case to obtain information from him concerning the participation of individuals in a conspiracy to retaliate against him. He does not allege that Hefferman participated in it but he does believe that Hefferman has information concerning it. He is concerned that someone used Hefferman's name to write the prescription for his diet. This constitutes no basis to keep Hefferman in the case. Other means exist for Branch to obtain information from Hefferman. He can ask the Court to permit him to depose Hefferman, either orally or by written interrogatories. He can subpoena Hefferman as a witness at trial.

2. Branch fails to address the issue of his failure to exhaust his administrative remedies against Hefferman.

3. Branch fails to show that anything Hefferman did constituted deliberate indifference to a serious medical need.


4. Hefferman incorporates by reference as if set forth herein in full his brief in

opposition to the motion of Branch for reconsideration.

WHEREFORE, Neil Hefferman, P.A. respectfully requests that William Branch's motion for reconsideration be denied.

GOLD, BUTKOVITZ & ROBINS, P.C.

BY:

  
ALAN S. GOLD  
Attorney for Defendant,  
Neil Hefferman, P.A.